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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/091,386

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EXAMINER

VAN HANDEL, MICHAEL P

ART UNIT

PAPER NUMBER

2424

NOTIFICATION DATE

DELIVERY MODE

02/20/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
pto@gbpatent.com

| | | | |
|--|---|---|--|
| <p align="center">Advisory Action Before the Filing of an Appeal Brief</p> | <p>Application No. 10/091,386</p> | <p>Applicant(s) EMURA ET AL.</p> | |
| | <p>Examiner MICHAEL VAN HANDEL</p> | <p>Art Unit 2424</p> | |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 January 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Chris Kelley/
Supervisory Patent Examiner, Art Unit 2424

Continuation of 11.

Regarding claims 40 and 43, the applicant argues that Sezan et al. does not disclose extracting suitable segments each time a user makes a request and that Sezan et al. does not disclose generating a summary of a desired time length dynamically. The applicant specifically argues that Sezan et al. merely discloses a static video summary. The examiner respectfully disagrees. Sezan et al. discloses an audiovisual information management system that uses description schemes to allow a user to browse, filter, and search audiovisual content (p. 5, paragraph 53). The description schemes are defined using an MPEG-7 XML format (p.8, paragraphs 68, 74). An example of an audiovisual interface for searching, browsing, and filtering through audiovisual content is shown in Figures 4-12 (p. 8, paragraph 73 & Figs. 4-12). Sezan et al. discloses that a user can select a highlight view to display a highlight of the program with a specified highlight duration (p. 3, paragraph 42; p. 5, paragraphs 51, 52; & Fig. 10). Sezan et al. further discloses a proposed program description scheme (p. 8-12). The highlight view of the program description scheme specifies clip fields that identify clips that form highlights of a program and highlight length fields that define the different versions of highlights tailored into various time lengths (p. 9, paragraph 94 & p. 10, paragraph 95). This corresponds to the interface shown in Figure 10 (Fig. 10). Multiple segment clips from the MPEG-7 XML scheme are grouped into each version of highlight which is specified by the descriptor <Highlight> with a length attribute (p. 10, paragraph 95). By accessing the content clips by way of the MPEG-7 scheme to generate a highlight of specified length, the examiner notes that suitable segments are extracted each time a user makes a request and that the content summary is formed dynamically from the grouped clips.

Further regarding claims 40 and 43, the applicant argues that Sezan et al. does not disclose a storage section that stores views that are original media of content, and metadata for explaining the views, the metadata comprising a plurality of segments and describing viewpoint information and time information both assigned on a segment-by-segment basis. The applicant specifically argues that a clip as disclosed by Sezan et al. is not assigned viewpoint information or time information. The examiner respectfully disagrees. Sezan et al. discloses that, in playing a highlight, the system plays clips grouped under the desired version of the highlight. The clips are designated by start and end frame-ids. Since frames correspond to particular times within a motion video sequence, the examiner interprets this to be viewpoint and time information assigned on a segment-by-segment basis.

Still further regarding claims 40 and 43, the applicant argues that Sezan et al. does not disclose a media extractor/generator that extracts, from the metadata, a plurality of segments adapted to the viewpoint information included in the preview distribution request with respect to content corresponding to the identification information included in the preview distribution request. The examiner respectfully disagrees for the reasons noted above with respect to extracting segments and dynamically generating a summary.